

**DELAWARE COMMISSION OF VETERANS AFFAIRS  
MEETING MINUTES  
JULY 27, 2004**

Members Present: Thompson, Hastings, Carroll, Ennis, Harden, Kitson, Lardizzone, Magner, Morris, Newstadt, Phillips, Timberman, and Webb

Members Excused: Wasson

Staff Present: Davila, J. Jones and Tucker

Guests: Harriet Smith Windsor (Secretary of State), Michael Brown (AMVETS), Reginald Glasby (Veterans Upward Bound Program), Jack Houck (DELVETS), Dave White and Norris Townsend (DOL), Dave Gillan and Frank Davidson (KWVA), Burton Barr (NARFE), Ed Moczulski (LP Lo-DEL), Larry Pelkey and Mark DeVore (Vet Home Project Team engineers), and Michael Drobotan

The meeting opened with the Pledge of Allegiance to our Nations Flag.

Thompson –Everybody is here except for Marcinkowski; he has taken a job as a federal judge in Florida. Now for our guests, please welcome Secretary of State Harriet Smith Windsor.

Smith Windsor – Thank you for inviting me to be part of the ceremony this morning. Just keep in mind, anything I can do to help you, I always offer and you usually take me up on it. Again, thank you for having me here today.

Brown – I am the new Department Commander of AMVETS (Delaware).

Davidson – HB 446 has been introduced and it is rolling along at a slow pace. We do not want to forget about it and let it languish. Hopefully, we can get some more support in the next session in January to get this legislation passed so that State employee veterans can get their active duty service time placed on their pension. So let's get behind it, and I think it would be helpful to get in touch with Nancy Cook, and get this bill passed.

Smith Windsor – If I may say, that is a great bill, and you are right, Nancy Cook is great.

Barr – Speaking on behalf of a letter I passed on to all the members of the Commission, in regards to forming a coalition, there is the National Military Coalition, and they have been very significant in some of the legislation that has taken place recently, on the national level. I think with a coalition, we would have a little more gun power to get some more of our bills up to the Governor's desk. I would like you to review the material that I have passed out, and maybe by September, we can have initial chats and conversations. Come January, we can have something in place to get our needed legislation passed.

Moczulski – I would like to thank all the Commissioners and Tony Davila for seeing fit that the LP Lo-DEL program is funded for next year, thank you very much.

White – I would like to pass on a reminder that I received from our national office a few months ago. It is about keeping our eyes open; trying to make sure we do not miss out on these veterans that are coming back from Afghanistan and Iraq that are wounded. The deceased and their families are well taken care of. We want to make sure these folks know about the employment opportunities and education and training programs that we have for them. If you know of someone that has been wounded, no matter how serious, if you call me, I will give my personal guarantee that we will make sure they are given every service that we can possibly give them to help incorporate them back into the working part of the alliance. I am a Vietnam veteran; I kind of know how some of these things work with people coming back from a war zone, PTSD and a lot of other things. But, we want to make sure we don't let these people fall through the cracks like so many Vietnam vets did. I know we have all the different service organizations represented here, if any of you have any contact with anybody like that, let's make sure we let them know what they are entitled to, free of cost. Everything I do is free, and we have people throughout the State that work for them, so keep that in mind and thank you for your time.

Thompson – The next two guests are project team engineers: Larry Pelkey and Mark DeVore. They are going to be working on our future Veterans Home.

DeVore – I am Mark DeVore, I am an engineer for the Department of Administrative Services, Facilities Management. I worked on the State's site selection survey that was recently completed, where we looked at the various sites for the Veterans Home. Mr. Davila invited us to introduce ourselves to the Commission here. In working with the Chairman, Mr. Thompson, we have worked through the site selection process and we now know where it is going to be and we are in the final negotiation stages of awarding a contract to Bernardon Haber Holloway. It is a joint venture, Bernardon Haber Holloway and Heery International and that team will be helping us put together a package that we will issue to firms to design and build the facility. So we are working together with them to move together with the project. Thank you for your time. Larry Pelkey is one of the project managers, and just so you are all aware, we are both veterans.

Pelkey – I am just getting my feet wet, I am a construction project coordinator assigned to this, I just got back from Iraq. I am trying to understand the changes that have taken place in the State while I was gone and I look forward to working with everybody and trying to identify the players. My job is trying to keep it all together, get it all done, and done on time the way we want it.

Hastings -Is Lou McCloskey involved in this?

Pelkey – Yes he is, he is our Deputy Director, so he is aware of everything that is going on, he has been to a lot of meetings and so forth.

Thompson – I would like to introduce J.J. Jone's replacement, since he, as you know, moved from the Northern Cemetery to the Southern Cemetery. I would like to introduce Estelle Tucker.

Tucker – I look forward to serving the State.

Thompson – As Mark DeVore mentioned, we did select the one company out of quite a number to be our design builder. He will select another architect and construction company through process and he will kind of oversee the construction of the Home. The primary is going to be Larry Pelkey, who will be in direct supervision and will be watching them, so good luck, keep it going right. Rich Magner is coming off the Cemetery Committee because of work, he has asked to come off for awhile, with the understanding that he will go back on probably later this year. Barry Newstadt will be the new Committee Chairman for the Cemetery.

Newstadt – And I will be the last one to let you down.

Carroll – I have a correction, on page 8 in the June Commission Meeting minutes. I am quoted as saying "I also determined that a convicted felon will not be eligible for admission in the State of Delaware Veterans Home". I think that should read "the committee determined".

Thompson – Noted.

## **JUNE MINUTES APPROVED BY COMMISSION**

### **COMMITTEE REPORTS**

#### **CEMETERY COMMITTEE**

Magner – As the Chairman mentioned, I am voluntarily stepping down because of my job; working as a National Service Officer at the VA. A lot has been going on, clientele has been picking up, so my report is really going to be brief. In talking with Tony Davila and Chairman Thompson this morning, the firm is on board and plans are being made to go ahead and move the 22 trees behind the cremains field. Also, the plans are being formulated to put in the additional vault fields. The new plaques marking the dedicated gifts by the family members, they are going to be put in place. The prison system is making concrete holders for them and that project is on track. I hope to be back on the committee some time after September; now it is a matter of catching up on the other jobs I have been doing.

#### **COMMEMORATIVE AFFAIRS**

No report.

#### **FINANCE AND LOGISTICS**

No report.

## **HEALTH AND HUMAN SERVICES**

Carroll - I would like to report that the \$1,100 that was received this morning now brings the grand total of contributions toward the Veterans Home to be \$90,081.34 and that is really encouraging. I have no input as to the dollar amounts that are being contributed through tax forms. I do know that there have been a number of veterans' organizations that have made substantial contributions and I believe the American Legion is on top of that. I am not able to report the breakdown, but possibly at a later date I will have that. I would like to ask that the Chairman and Tony Davila respond on the latest information that has developed on the Veterans Home and where we stand?

Thompson – As you know from that little notice I sent everybody, the Bond Bill Committee did select Milford as the final site; Airport Rd & Canterbury Rd, it is 13+ acres. It is still planned to be built by December 2006, and hopefully we will start having occupancy as early as January 2007. We have got to start thinking now, of which Bill Carroll has already given me a draft, for the admission criteria. It is not too early to start now, we have to see what we need, how much we need, what we need and how we need it. We have to start studying rules and regulations on how we want to administrate the Veterans Home. If we wait until the last minute, it will be too late. Bill Carroll has a draft and he is passing it out to each one of you.

Carroll – The final reports are being prepared for our presentation on August 15<sup>th</sup> at Central VA, and that is the progress of where we stand on the administrative end of developing the paperwork for our Home. A group from our committee met and this draft here are some of the things we discussed regarding admission criteria. There had to be a lot more added to this and developed, but I could read for those who do not have copies. A veteran must be a legal resident of the State, with a minimum of one year of residency, and that would be substantiated with a State income tax return. You must be honorably discharged from military active duty. Any National Guard or Reserve who is eligible for retirement pay at age 60 and they have served cumulative active duty for 180 days or more, not necessarily consecutive. The spouse of an admitted veteran must have been married for at least 5 years prior to admission, if space is available, title 38 of the US code permits only 25% of the occupied beds may be used by persons other than the veterans. Once admitted, the spouse of an admitted veteran, may remain after the death of the veteran. The VA does not provide funding for the veteran's spouse. If medical financial assistance for admission is required, must have need for nursing home level care determined by medical screening. Applications are subject to review by an admissions committee. The cost allocations of residence per diem will be on a sliding scale formula and based on the VA's allocations of the patient's income for Medicaid. A 150 bed facility, with 120 beds for nursing care, 30 beds for domiciliary (which is assisted living), and necessary resources for dementia care and/or elder care component. A convicted felon will not be eligible for admission. The application and priority admission policy will be composed of many other phases in due time, with the experience of the Veterans Home coordinator.

Thompson – As Bill Carroll mentioned to me, he would like all of you to take a shot at it, come up with any ideas and pass them on to him.

Smith Windsor – Can a spouse enter after the death of his or her spouse, if not there before?

Carroll – No, that is one of the things we considered. Once admitted, the spouse may remain after the death.

Thompson – We kind of covered the area about Gold Star Mothers and Gold Star Wives or equivalent, and they could possibly fill up the home very quickly.

Smith Windsor – I wasn't asking for me personally, I just wanted to make sure that was clear.

Carroll – If the veteran, while in the home is 100% disabled and he dies of his service-connected disability, and his wife is eligible for DIC, would she be eligible to go in the home?

Thompson – After he dies, no, it all goes back to the fact that she had to be in there with him, than she would have the right to stay. Other than that, no civilians.

Davila – Only 25% non-veterans.

Carroll – It says here a convicted felon will not be eligible, would that be a capital crime or any crime?

Newstadt – The criminal code is divided basically into three categories. The lowest category would be a non-misdemeanor, misdemeanors are generally minor crimes such as offensive touching, disorderly conduct, that sort of thing. When you move to felony level you are talking about serious crimes. A capital crime is one that calls for the possibility of the death penalty, but felonies are your most serious, they are the ones that must be handled in superior court and generally have a substantial jail time and/or other sanctions. So any person who commits a felonious level crime has done something very, very serious in the eyes of the State.

Thompson – If it is worse than a misdemeanor, then it is a felony as far as we are concerned.

Newstadt - If the crime has been classified and the person's record indicates that it was a felony crime, then that is all we need to know.

Hastings – Delaware has provisions to wave or forgive a felony in order to reinstate voting rights and that sort of thing and I do not know what the criteria is for that sort of thing. Is that something we need to take into account?

Smith Windsor – I think you are talking about when it goes before the board of pardons, which I am all too familiar with, and in that case, we make a recommendation by that board and it goes to the Governor, and he or she can approve or disapprove that recommendation to pardon that felon.

Hastings – A convicted felon by definition has served time?

Newstadt – Not necessarily, because given the sentencing guidelines, the severity of the crime, and the person's prior records, in many cases the judge will have the prerogative to suspend the sentence; probation in lieu of sentence, jail time, home confinement, there is a whole compendium of things, even if a person is guilty of a felony. To go over what Hastings said, there are various re-dresses available, not the least of which is pardon and ex-spongement of records, there is also a whole different category for crimes committed while a person is a juvenile. When we have our next meeting, we should discuss those at length, because the way we have it now, may be too restrictive, given the fact that there are re-dresses for people.

Davila – I think it is important that you discuss this issue, however, we are talking about 150 beds, the most critical need of services, and Title 38 USC, and based on those factors, we are also looking at reimbursement that is provided by the federal Department of Veterans Affairs, they have to meet the criteria. So we have to look at all of those issues before we can even talk about convicted felons and whether they can get into the Veterans Home. The issue is the most needy! Now we have to determine what percentage will be established and who is eligible for the Veterans Home. I think this is an important issue, but not the most important issue.

Hastings – We say 180 days of active duty service, active duty is distinguished from training, but by definition, a veteran is 2 years of active duty. Is the 2 years a VA policy or is that in any statute anywhere?

Magner – Yes, Tony Davila may have the book, it is right in the requirements.

Lardizzone – It is Title 38.

Newstadt – Can we get something in writing relevant to the tax deductibility of contributions by individuals to the Home? I had asked about this when I mentioned it about a month or so ago and I would like to get back to my organization with a definitive answer.

Davila –We indicated sometime ago that the contributions made to the Veterans Home are tax deductible and we put that information out once before. What specific information are you looking for?

Newstadt – Is it State and Federal deductible?

Carter – Pat Carter wrote an opinion based on the Federal and State code and I have that letter, and we are responding now with a letter to the contributors.

Newstadt – Would it be possible to get a copy of that letter?

Carter – Sure.

Thompson – Al Carter, if you give it to Tony Davila, he can make distribution to all of us.

Carter – Sure.

Newstadt – People have asked me if they make a major contribution, be it a room, library, etc., and I am looking for something in writing to assure them that it is in fact tax deductible.

Carter – Now, how it affects the corporation in terms of UPS, I don't know. Normal deductions you can use on your State forms, well if you use it for your federal it will automatically swap over to the State. I will get a copy to Tony Davila.

Thompson – Tony Davila and I will be meeting tomorrow and of course Larry Pelkey and Mark DeVore will be there to begin the process of working with this Bernardon.

DeVore – At this point Mr. Thompson, the focus of the meeting is to look at the milestones in the schedule and basically outline where we are headed at this point in time. I think what we need to do is basically make sure we are all on the same page and we have the schedule solidified with Bernardon; what they need to provide for us and how we are going to hit these timeframes that we have agreed to.

## **LEGISLATIVE AFFAIRS**

No report.

## **PERSONNEL**

Davila – We just have the one position available up at the Cemetery, that of Conservation Manager and it closed on Friday. We have one candidate at this time for the position, since it was advertised in-house. They are checking out now whether the one candidate is sufficient to go forward to the interview process, we will find that out later today.

## **GROUNDBREAKING & DEDICATION**

Morris – Basically we have nothing to report, we are still waiting to see what timeframe we are working with. We are going to try to get some ideas together. Ruth Harden approached me at the end of the meeting last month and asked to be put on it as well and I don't see any reason why not.

Thompson – Before I go into organizational reports, I want to mention that we do have the report from the Sunset Committee, you should all have a copy of that. Most of the stuff we have already done or we are working on it, so I see no problems with it. So, take it home and I suggest you read it and see where we stand.

Davila – The main issues are 2 through 8, that we are addressing or have addressed. The first issue is nothing more than a suggestion on the continuation of the Commission and the last one is to place more women on the Commission, which is a recommendation from the Sunset Committee to the Governor.

Thompson – We can't get involved in that one because that is the code that says the veterans organization will select and submit three names. If we are turning around and going to a veterans organization and saying you have to nominate a woman, then we are defeating the purpose of a veterans organization being independent.

Davila – That is between the Sunset Committee and the Governor.

Harden – I do not know of many women veterans, and the only veteran women volunteers at the hospital are the Navy ones.

Thompson – It has just been recent that more and more women have been going in the service, and in the future perhaps we will have more getting involved. Right now, if you look around at the Veterans Commission, most of the members are older and that was at an age when there were not that many women in the service.

Davila – There are 5,489 women veterans in Delaware.

Thompson – Which probably the majority are younger ones and they are not interested in getting involved.

Harden – Very few of the younger ones are interested in getting involved.

Hastings – Did the 249<sup>th</sup> have women soldiers with you?

Pelkey – Yes, we had two female soldiers with us and there is an overabundance in Iraq right now and they are coming back. The question is getting out to them and doing the invite to whatever organization that requires their service, but they are out there.

Davila – What we have had in the past is a major problem. Many women have never considered themselves as veterans and most women do not belong to a veterans organization. Currently, there is \$7,500 in our budget, which we are looking at addressing some training for veteran service officers from the posts. We received those funds on 1 July 2004. With the remainder of those funds, we are going to address the issue of working with the women's auxiliaries to provide them with benefits information and so forth. We are working on that structure now with remaining funds, we will try to have a women veterans conference. What we are going to try to do is open that up to every woman veteran in Delaware in order to become knowledgeable about their benefits and also offer the possibility of establishing a women veterans organization in Delaware. This is one of my goals and is what I am working on now.

Guest - Speaking of women veterans, DELVETS has five women veterans from WWII to Iraq. On this past Memorial Day, we dedicated our celebration to those five women veterans.

Davila – Melanie Bronov, as well as everything else she does for us, is our Women Veterans Coordinator, her and Sherri Taylor recently attended the Women Veterans Summit in Washington DC. I was part of the 1st White House Conference and the only State Director that was invited to attend the White House Conference on Women Veterans. Our concern here in Delaware is to get an organization up and running. To address another issue, I received an e-mail from Paul Spera, who is the liaison for the 10 state region in our eastern part of the United States, one of 6 liaisons who serve under the Secretary of Veterans Affairs, Anthony Principi. He indicated that the charge that they have now, and this is evidently coming from higher ups, is to go out and search for Hispanic, Philippine, and Indian American veterans. Even though they refer to them in the past as Native American Veterans, they now refer to themselves as Indian American veterans. They want to identify organizations and to find out where these individuals are to address their needs, whether it is benefits, entitlements, or other situations. So, if you are aware of individuals, please let us know; male or female, so we can pass this on to VA central office.

Davidson – As a matter of interest, KWVA Chapter 2 of New Castle County; we have a female officer and she is our Treasurer.

## **ORGANIZATIONAL REPORTS**

Harden (WAVES Nat'l) – We are having a Convention in Philadelphia on August 12-14, 2004, which I will be attending. We have 153 units around the country, so we are hoping for a good attendance up there that weekend.

Newstadt (JWV) – We will be making a donation to a new fund that is set up by the Marine Corps League, I believe it is family support. I got a call the other night that JWV would be making this contribution and suggesting I attend and represent the Commission on Monday evening, August 9, 2004, at 7:00 PM, at the Marine Corps Center on Kirkwood Hwy. As I understand it, it has something to do with family support or children support of guys who are deployed, and at the next meeting I will come back and give you the details. We are certainly happy, and I can speak for the commander, that the resolution of this site for the new Veterans Home has taken place. And he, I am sure, along with other State commanders, was taken aback by the sense of urgency relevant to getting a letter back on polling of the members and so forth, and the decision was made before you could even get that done. So there was a little miscommunication or something where tasking was done and it really was not necessary.

Thompson – That miscommunication was between the Legislators and Executive branch. The Department of Administrative Services put out the letter and did not check with the legislators when they were going to do it. So we wasted a lot of time and effort with that.

Kitson (VFW) – National Convention is going to be August 14-20, 2004, I will be there with bells on.

Hastings (MOWW) – MOWW has a relation with the 36<sup>th</sup> Division Association. The 49<sup>th</sup> armored was just re-designated or reborn as the infantry division and that division was quite famous since WWII. MOWW had some involvement.

Thompson (MCL) – The National Convention will begin August 1, 2004, in Texas, for a week.

Lardizzone (DAV) – DAV has there National Convention July 30 – August 4, 2004, in Reno, Nevada, and I will be there.

Phillips (40&8) – The 40&8 will hold their National Convention in September, but we have a regional group called the Mid-Atlantic and we will meet next week. Up until a few years ago, 1991, I was the Executive Secretary of it and I know it pretty well, it is a real 1<sup>st</sup> class organization.

Morris (American Legion) – American Legion National Convention is in Nashville, TN. The American Legion took a lot of work this year with the help of General Vavala on our “Buck-a-Minute” program. We presented the \$10,000 check at one of our dinners. They are still raising money for that program to support the troops while they are overseas so they can at least have communication with their families and everybody back home. Continuing support for the Veterans Home, we have ongoing fundraisers; they have not given up on that yet. We hope to push the \$100,000 mark as soon as we can.

Carroll (MOPH) – Our National Convention will be in Atlanta, GA, August 10-15, 2004, and I plan to be there. We will have a formal dedication of the Military Order of the Purple Heart Department of Delaware Veterans Memorial Monument on August 7, 2004, in the Veterans Park at the Twin Bridges.

Magner (AMVETS) – AMVETS of Delaware now has a department of Delaware. Commander Mike Brown has graciously accepted the nomination and he is our Commander right now. Speaking of women, AMVETS does have quite a few women. Sherri Taylor is now the Department NEC; Melanie Bronov is a member of AMVETS, as well as Ruth Harden. It is great to have dual membership in other organizations, you kind of have some clout there, and there is strength in numbers. Mike, I believe, will be going to our National Convention out in Spokane, WA, coming up here on August 7-14, 2004. Sherri, I believe, is also going out as one of the delegates for Delaware. That is kind of a milestone, historically. A lot of good things can happen with AMVETS in Delaware and we just have to keep the membership going.

Hastings – What is the membership nationwide?

Magner – I do not know. Mike would probably know that information. AMVETS probably has the most liberal requirements of membership. All you have to be is a veteran, National Guard, Reserve, active duty, you do not have to have served in a foreign conflict.

Ennis (KWVA) – I would like to announce that we have officially closed our display at the museum. We had a fantastic ceremony, we had speakers, the honor guard, and a good turn out from the public. We certainly have to give a lot of credit to Chapter one of our association, they worked awful hard at getting that thing together. I don't know how many thousands of people went through that museum, it's unbelievable, I had the number, but I forgot to write it down. So that has been officially closed and all the memorabilia has been moved or is being moved. Regarding the Veterans Home, the only negative comment I have heard about the Veterans Home discussion is what we discussed in this room. Why the Veterans Commission did not make a recommendation, I explained that to them and again they said I thought you people represent the veterans, why did you not make a recommendation. Even a couple of members of the Bond Bill said how come you didn't make a recommendation and I explained the situation.

Magner – Well to back up on that, some of the organizations did submit letters to Roger Roy and Senator Venables. Also, I had a little bit of oversight on my part; I did not mention Dave Gillan as our new Judge Advocate of AMVETS Department of Delaware.

Brown (AMVETS) – There are roughly 75,000 members of AMVETS as of July 2003 nationwide, with Ohio having 35,000 of those. Delaware has moved into the middle of the pack in three years, we now have roughly a 1,000 members Statewide and that is within 3 years. That is drawing in 100% rate a year, with Millsboro having over 700 members.

## **OLD BUSINESS**

None

## **NEW BUSINESS**

Thompson – I will be attending these meeting with the two gentlemen we have discussed over the construction and I am scheduling some meetings now with some of the legislative people over the home.

Newstadt – What are your feelings and the rest of the Commissioners relative to this letter from Mr. Barr via the local legislative coalition? How do we intend to handle this from a standpoint of replying?

Thompson – To my knowledge I believe the Commission itself does not get involved, we are a State agency. People do not realize that when we are sitting here we are officers of the State and we cannot join any organization. So we cannot go out and parade like we are a veterans group, we are not a veterans group. We are a State agency, we have certain latitudes given to us by the Delaware Code where we can by-pass Harriet Smith Windsor and go to the legislature. It was built in there as kind of a safety valve, we still owe our loyalty to the State and we try to follow the State laws and guides given to us by Harriet Smith Windsor. To me, we cannot join something like that.

Newstadt – Fine, I was not being an advocate, all I am saying is from a courtesy standpoint, we owe them an answer.

Thompson – I would suggest you all take a look at it because your own organizations could be interested in it, because the more people you have together the more clout you have.

Newstadt – In the letter is says it is our honor and desire that the Commission as a body, in itself, be a part of the coalition, so that probably answers my question. So I withdraw my comments, we don't owe them anything on this particular letter.

Thompson – It is not our desire and I think they understand because we are a State agency.

Hastings – It is perfectly appropriate just for information to us, but NARF interfaces with the service organizations themselves.

**DATE OF NEXT MEETING:**                      **August 24, 2004 (11:00 AM)**

**LOCATION:**                                      **Robbins Bldg, 802 Silver Lake Blvd, Suite 100  
Dover, DE**

**ADJOURNED**